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Attorneys for Defendants
MONSTER BEVERAGE CORPORATION
and MONSTER ENERGY COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MATTHEW TOWNSEND and TED
CROSS, Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

MONSTER BEVERAGE
CORPORATION and MONSTER
ENERGY COMPANY,

Defendants.

Case No. EDCV12-02188 VAP (KKx)

**STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO
FED. R. CIV. P. 41(a)(1)(A)(ii)**

Hon. Virginia A. Phillips

1 Plaintiffs Matthew Townsend and Ted Cross, and Defendants Monster
2 Beverage Corporation and Monster Energy Company, by and through their
3 undersigned counsel, stipulate as follows:

4 WHEREAS, on March 20, 2018, this Court denied Plaintiffs' motion for
5 class certification (ECF No. 174), and on August 22, 2018 the Ninth Circuit Court
6 of Appeals denied Plaintiffs' Rule 23(f) petition for permission to appeal this
7 Court's class certification decision (ECF No. 181);

8 WHEREAS, as a result of the Ninth Circuit's ruling, Plaintiffs have agreed to
9 dismiss their individual claims with prejudice;

10 WHEREAS, Plaintiffs have not received any consideration for agreeing to
11 dismiss their individual claims with prejudice;

12 NOW THEREFORE, in recognition of the foregoing, the parties stipulate as
13 follows:

14 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs
15 Matthew Townsend's and Ted Cross' claims in this action will and hereby are
16 voluntarily dismissed against Defendants, conditioned on entry of a judgment of
17 dismissal of such claims by the Court dismissing Plaintiffs' claims with prejudice;
18 and

19 2. Each side to bear their own costs, including attorneys' fees.

20 Dated: September 4, 2018

THE MEHDI FIRM, PC

21 By: /s/ Azra Z. Mehdi
22 Azra Z. Mehdi

23 *Attorneys for Plaintiffs*
24 *Matthew Townsend and Ted Cross*

1 Dated: September 4, 2018

MORRISON & FOERSTER LLP

2 By: /s/ Purvi G. Patel
3 Purvi G. Patel

4 *Attorneys for Defendants*
5 *Monster Beverage Corporation*
6 *and Monster Energy Company*

7
8 **ECF ATTESTATION**

9 I, Azra Mehdi, am the ECF User whose ID and password are being used to
10 file this **STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO**
11 **FED. R. CIV. P. 41(a)(1)(A)(ii)**. In accordance with Local Rule 5-4.3.4,
12 concurrence in and authorization of the filing of this document has been obtained
13 from Purvi G. Patel, counsel for Defendants, and I shall maintain records to support
14 this concurrence for subsequent production for the Court if so ordered or for
15 inspection upon request by a party.

16
17 Dated: September 4, 2018

By: /s/ Azra Mehdi
Azra Mehdi

18 *Attorneys for Plaintiffs*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of September, 2018, the foregoing document was filed electronically on the CM/ECF system, which caused all CM/ECF participants to be served by electronic means.

/s/ Azra Mehdi

Azra Mehdi

Attorneys for Plaintiffs